

**U.S. Department of the Interior
Bureau of Land Management**

Categorical Exclusion

**Desbrough Canyon-Application for Contract Sale of Stone
DOI-BLM-UT-G010-2014-0255-CX**

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management



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of Stone
DOI-BLM-UT-G010-2014-0255-CX

Prepared by
U.S. Department of the Interior
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**Chapter 1. Request for Stone Collection
Permit by Abelecio & Kimberly Jiron with
Rock Solid Designs;**

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A. Background

BLM Office:

Vernal Field Office, 170 South 500 East, Vernal, UT 84078

Lease/Serial/Case File No.: UTU-089118

Proposed Action Title/Type:

Collection of Dimension Stone by hand and by hand tool

Location of Proposed Action:

Township 11 South, Range 16 East, Section 20 (N/2 SE/4, E/2 E/2 NE/4) and Section 21 (N/2 N/2), SLB Meridian, Duchesne County, Utah

Description of Proposed Action:

This project consists of driving designated pick-up trucks to the designated collection area and collecting by hand tools 600 tons of dimension stone that lies on the exposed surface. No access roads would be constructed (access to the stone would be along existing two-track roads that parallel the stone outcrops). No stone collection activities will take place within 100 feet of the canyon rim, or within any canyons. This area falls within the West Wrinkles Common Use Area which was evaluated in an Environmental Assessment in 1996.

Field Methods: Up to 120 single vehicle trips would be made as part of the stone removal operations which would not include off road travel to collect stone. Only existing roads and two tracks would be used. Gathering would be conducted when ground is dry and generally would be on week days. The area of disturbance would be no greater than 5 acres. Disturbed ground would be raked out and re-contoured. No water would be used. Less than 10,000 gal of chemicals (under SARA, 1986) and less than the TPQ of chemicals in 40 CFR 355 would be used in association with the operations (applicant would clean up spills of fuel, lubricants, acids or antifreeze from trucks used and dispose of properly). The applicant would monitor and control noxious weeds that emerge in association with the extraction and transport of stone within the application area. The applicant would abide by any timing restrictions or avoid areas should any sensitive plants, wildlife or other resources be identified later by the BLM. The area would be jointly inspected upon the completion of extraction and two years afterwards (the latter to determine if the applicant must conduct any reclamation work). A 5 year term has been applied for.

B. Land Use Plan Conformance

Land Use Plan Name:

Vernal Field Office Resource Management Plan

Date Approved/Amended:

October 2008

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): The proposed action would be in conformance

*Chapter 1 Request for Stone Collection Permit by
Abelecio & Kimberly Jiron with Rock Solid Designs;
A. Background*

with the Vernal Field Office Resource Management Plan Record of Decision (ROD 2008). The ROD allows the development of mineral operations for salable minerals (page 97), and 389,788 acres have been set apart for mineral material disposal with standard and special stipulations (page 100). The proposed off road travel would not conflict with the limited OHV designation because it would be a formally permitted activity and all appropriate resource clearances have been conducted. The project would not conflict with other decisions throughout the plan.

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9,

The action described above generally does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS), as it has been found to not individually or cumulatively have a significant effect on the human environment. The applicable Categorical Exclusion reference is in 516 DM 2, Appendix 1 (or 516 DM 11.5 F (10)). This reference states, "Disposal of mineral materials such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas." Less than 5 acres would be worked at any one time.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

I considered: extraordinary circumstances as shown in the attached worksheet.

D. Approval and Contact Information

/s/ Jerry Kenczka	11/5/2014
Jerry Kenczka, Assistant Vernal Field Office Manager, Lands and Minerals	Date

Contact Person

Stephanie Howard

Vernal Field Office
170 South 500 East
Vernal, UT 84078

435-789-4469

*Chapter 1 Request for Stone Collection Permit by
Abelecio & Kimberly Jiron with Rock Solid Designs;
C. Compliance with NEPA:*

Chapter 2. Extraordinary Circumstances Documentation

*Desbrough Canyon-Application for Contract Sale of Stone
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Categorical Exclusion Rationale*

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CX Number:	DOI-BLM-UT-G010-2014-0255
Date:	11/4/2014
Lease/Case File/ Serial Number:	UTU-089118
Regulatory Authority (CFR or Law):	516 DM 2, Appendix 1

The following block would be inside instruction tags and not be printed or visible in the final document

NEPA Guidance: Answers to the Extraordinary Circumstances questions below will affect the level of NEPA required for this project. If any of the extraordinary circumstances are applicable to the action being considered, either an EA or EIS must be prepared for the action.

Section 1.1 Impacts on Public Health and Safety

1. Does the proposed action have significant impacts on public health and safety?		
YES	NO	REVIEWER/TITLE
	X	Elizabeth Gamber, geologist

Rationale: The proposed action does not have significant impacts on public health and safety. The proponent will abide by all safety procedures for proper use of their equipment as required by law.

Section 1.2 Impacts on Natural Resources or Unique Geographic Characteristics

2. Does the proposed action have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?		
YES	NO	REVIEWER/TITLE
	X	Bill Civish Natural Resource Specialist Recreation, Elizabeth Gamber, geologist

Rationale: No effect on drinking water aquifers because this is a surface action. No wetlands or floodplains are located within the project area. Paleo resources are not present. This project is in the Nine Mile SRMA that is being managed for scenic quality and the Nine Mile Canyon ACEC that is being managed for high quality scenery. The project area falls within the VRM III polygon. With the COA's in place, this project falls within guidelines for all of the recreational management concerns.

Section 1.3 Level of Controversy

3. Does the proposed action have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
YES	NO	REVIEWER/TITLE
	X	Elizabeth Gamber, geologist

Rationale: The proposed action does not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]

Section 1.4 Highly Uncertain or Unique or Unknown Environmental Risks

4. Does the proposed action have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
YES	NO	REVIEWER/TITLE
	X	Elizabeth Gamber, geologist

Rationale: The proposed action does not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks

Section 1.5 Precedent Setting

5. Does the proposed action establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
YES	NO	REVIEWER/TITLE
	X	Elizabeth Gamber, geologist

Rationale: The proposed action does not establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects

Section 1.6 Cumulatively Significant Effects

6. Does the proposed action have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
YES	NO	REVIEWER/TITLE
	X	Elizabeth Gamber, geologist

Rationale: The proposed action does not have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects

Section 1.7 Impacts on Cultural Properties

7. Does the proposed action have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?		
YES	NO	REVIEWER/TITLE
	X	Erin Goslin, Archaeologist

Rationale: During a Class III survey (U-12-BL-0599b), there were no cultural resources identified in the project area.

Section 1.8 Impacts on Federally Listed Species or Critical Habitat

8. Does the proposed action have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		
YES	NO	REVIEWER/TITLE
	X	Plants: Christine Cimiluca, Natural Resource Specialist/Acting Botanist Wildlife: Brandon McDonald, Wildlife Biologist

Rationale:

*Chapter 2 Extraordinary Circumstances
Documentation
Section 1.5 Precedent Setting*

Plants: The Project Area is within potential habitat for the listed threatened plant species Uinta Basin hookless cactus, *Sclerocactus wetlandicus*, as well as potential habitat designated as Core Level 2 for the species, and the species has been previously documented in the Project Area per BLM GIS data review. The Project Area is within potential habitat for listed endangered plant species shrubby reed-mustard, *Schoenocrambe suffrutescens*, and the species has been previously documented in the Project Area per BLM GIS data review. The Project Area is within the Unit 1 (Sand Wash) Conservation Area for proposed threatened species Graham's beardtongue (*Penstemon grahamii*), and the species has been previously documented in the Project Area per BLM GIS data review. The proposed project is not expected to have significant impacts on the listed and proposed species. Existing access roads and two-tracks would be used in the project area, and hand tools would be used for stone collection. If any impacts to listed or proposed plant species in the project area occur as a result of the Proposed Action they are expected to be minor, indirect, and temporary.

Wildlife: In review of district files and a field visit there are not threatened, endangered, proposed, or candidate animal species (including their associated habitats) within the proposed project area.

Section 1.9 Compliance With Laws

9. Does the proposed action violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
YES	NO	REVIEWER/TITLE
	X	Elizabeth Gamber, geologist

Rationale: The proposed action does not violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

Section 1.10 Environmental Justice

10. Does the proposed action have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
YES	NO	REVIEWER/TITLE
	X	Elizabeth Gamber

Rationale: No one lives in the project area and so the proposed action does not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)

Section 1.11 Indian Sacred Sites

11. Does the proposed action limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		
YES	NO	REVIEWER/TITLE
	X	Erin Goslin, Archaeologist

Rationale: There are no Indian sacred sites in the area, nor would the proposal limit access to or ceremonial use of Indian sacred sites on Federal lands or significantly adversely affect the physical integrity of such sites.

Section 1.12 Noxious and Non-Native Invasive Species

12. Does the proposed action contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		
YES	NO	REVIEWER/TITLE
	X	Christine Cimiluca, Natural Resource Specialist/Acting Botanist

Rationale: Noxious weeds have not been previously documented in the Project Area, per VFO BLM GIS data review, but may be present, and invasive non-native plant species are present in the Project Area. The Proposed Action is not anticipated to contribute to the introduction, continued existence, or spread of noxious weeds and/or non-native invasive plant species in the Project Area due to the small scope of the project, the small amount of proposed surface disturbance for the project, and the use of existing roads for access into the Project Area. The applicant would also be responsible for the control of any noxious weed/invasive plant infestations that occur as a result of the Proposed Action through mechanical removal or herbicide use with an approved pesticide use proposal (PUP).

Appendix A. Desbrough Canyon Map

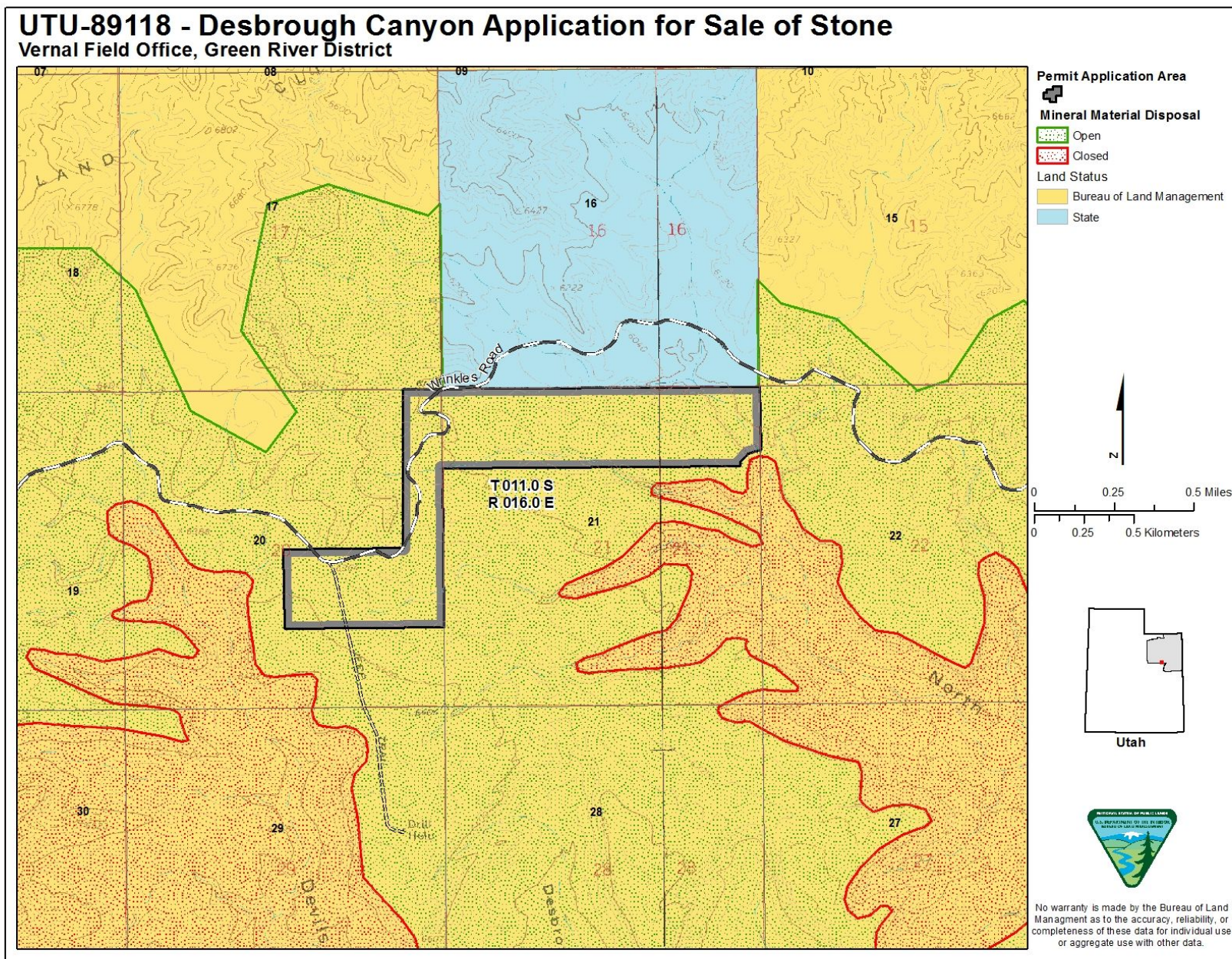


Figure A.1. Desbrough Canyon Map

Appendix B.

Stipulations to CX DOI-BLM-UT-G010-2014-0255 Serial # UTU-089118

1. The stone gathering reclamation plan is approved. The purchaser shall not vary from the plan unless prior approval is granted by the BLM in writing.
2. This approval is only good for five years from the date of the approval. If more time is necessary, the BLM office must be contacted for instructions.
3. Before removal of stone commences the purchaser shall provide the BLM a listing of vehicles (make, model, color, license number) and personnel other than the purchaser who would be involved with the gathering and transport of stone from the sale area. The purchaser shall update the vehicle and personnel list as changes occur.
4. The weigh tickets from certified scales and appropriate monthly payment is due to the BLM on or before the 15th of the following month. If there is zero production in a month, the purchaser should report zero production to the BLM.

Any monies owed for stone collected must be paid before any additional stone is collected from your permit. Additionally, "Once you have removed materials, you must make each subsequent installment payment monthly in an amount equal to the value of the minerals you remove each month. You must make the payment by the 15th day following the end of the month for which you are reporting" CFR 43 §3602.21 (a)(2)(iii)(A). Therefore, you must submit, in writing with weigh slips, and a production report each and every month for any stone removed from your permitted site, with payment for that stone. If you have not removed any stone that month, you must still submit a production report for your permit. Failure to submit monthly production reports and submit payments for all stone removed from your permits, may result in the Bureau of Land Management terminating your permit (CFR §3601.61), and may result in the denial of any future permits.

1. The purchaser is required to maintain and preserve for 6 years, records, maps and surveys relating to production verification and to make such available to the BLM upon request (see specifics listed under 43 CFR 3602.28).
2. The purchaser shall notify the BLM, in writing, of any changes of address within 15 days of the change.
3. When corresponding with the BLM or submitting payment in the matter of this sale, the serial number (UTU-089118) shall appear on the correspondence and payment instruments.
4. The bond in the matter of the sale will only be released when the reclamation is found to be to the satisfaction of the BLM.
5. If disturbed areas require reseeding the following procedure applies:

A list of recommended seeds to be used should be obtained from the Vernal Field Office prior to reclamation.

All weights are in Pure Live Seed (PLS). The preferred method of application is to drill the seed (the above poundage is the drill seed quantity; however, if sage is required the sage should be broadcast before the drilling occurs). If the seed is aerially applied (i.e., broadcast), then

the permittee shall double the pound per acre amount (except for the sage) and the seed must be covered (by harrowing, disking or heavy equipment impacting) immediately following application.

The seed applied must be certified noxious weed free. The permittee shall submit a copy of the constituents list as provided by the seed vendor to the Vernal Field Office within 7 days of application (the seed vendor must provide written information that the seed is noxious weed free).

1. Off-site soil amendments/supplements may not be brought onto the sale area without the prior consent of the Vernal Field Office. The permittee has the responsibility to prove to the BLM that the material is noxious weed free. The permittee has not indicated hay or straw would be used in reclamation; however, should use of such be allowed in an approved modification, the hay applied must be certified as weed free and a copy of such certification shall be submitted to the Vernal Field Office.
2. In the project area, the applicant is responsible for the monitoring of and control of noxious weed species the Utah BLM, State of Utah and Uintah County have identified for control. The applicant shall control all such weeds prior to the redistribution of topsoil and shall monitor and control such weeds within the sale area until such time as the BLM finds the reclamation to be satisfactory. The applicant shall monitor and control any noxious weeds 100 feet outside the boundary of the disturbance. The applicant shall contact the Field Office (781-4400) and ask for the person in charge of Noxious Weed Control to discuss what control technique the contractor should use.
3. Any contaminated soil from potential petro-chemical spills is to be hauled away and disposed of in an authorized landfill or disposal area, not on Public Lands.
4. Reclamation Standards:

The permittee shall achieve reclamation standards of 75% vegetative cover and 75% species diversity from the pre-permit conditions (including seeding mix). This could require more than one seeding attempt. The pre-permit condition shall only include native and desirable species. If re-seeding needs to take place, the Reclamation Team will review and recommend the proper procedure to re-seed the areas, which need it.

The authorized officer may waive this stipulation in writing, if after time this standard cannot be achieved. In order to receive the waiver, the contractor must apply to the authorized officer. Written approval must be received prior to the bond release.

Applicants will be required to enter all reclamation information into the Green River Data Management System (GRDMS) at <http://my.usgs.gov/grdms/>. The GRDMS is a web based reclamation reporting database that consists of spatial and tabular data. Shape files that reflect the extent of all surface disturbance connected to the project are to be in NAD 83 Datum, UTM 12 North format. Tabular data related to the reclamation activities are found in the Qualitative form located on the GRDMS site. Reclamation data is required to be submitted to the GRDMS by March 1st of each calendar year. If you don't have a password to enter the GRDMS site, email Bill Civish with the Vernal Field Office of the BLM at wcivish@blm.gov or call (435) 781-3402. Once you obtain your password and enter the GRDMS site, download the GRDMS operator's manual to learn how to maneuver the database.

1. The purchaser may not remove more than 400 tons of stone. The purchaser shall remove stone only from the 280 acres, which has been evaluated by the BLM and designated as gathering areas. The removal of stone is restricted to that stone found on the surface. There shall be no excavating of stone in the subsurface or quarrying. The surface stone will be gathered by hand tools only. No mechanized equipment will be allowed to excavate the stone (forklifts, frontend loaders, etc...).
2. The contract sale is not valid beyond its expiration date. Requests for extensions must be made before the sale expires. Stone sales of Form 3600-9 are not transferable.
3. Roads are not to be built. Egress and regress must be by the existing two track road to the stone outcrops.
4. Stone collection is prohibited when the gathering area and dirt access roads are wet or muddy and driving would result in creating ruts.
5. The purchaser is required to have a copy of Form 3600-9 with all attachments in their possession while removing stone from the designated gathering area and when transporting stone.
6. The applicant must carry a rake with them each time they are on the permit area, and rake out the area where stone was collected each day.
7. Any tracks left by project vehicles within 100 feet of any existing road or trail would be reclaimed and all other tracks made in conjunction with the gathering of the surface stone will be raked out at the time of the removal of the stone. Surface indentions left by the stone removal will be raked out to encourage plant growth.
8. Any positively identified Graham's Penstemon or federally listed plant species individuals that are located in the future within the project area will be avoided by at least 300-feet to prevent the negative impacts of surface disturbance on the species. Mitigation measures will be developed if any other bureau sensitive plant species are identified in the future with the project area.
9. Stone collection activities are prohibited within 100 feet of the canyon rim.
10. Stone collection activities are prohibited within any canyon.
11. Stone Collection will only take place within the approved area (please see attached map). Any changes must be approved by the BLM in writing.
12. You are required to notify the geologist through e-mail, each day you go out to your permit to collect stone.

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Appendix C.

Threatened, Endangered, Candidate and Proposed (TECP) Plant Species Mitigation:

The following mitigation measures will be applied as stipulations on the project:

- Seed mixes to be used for reclamation should exclude introduced and non-native species
- The applicant will perform ground disturbing activities in potential habitat for TECP plant species outside of the flowering period(s) for those TECP plant species. Uinta Basin hookless cactus and Pariette cactus: April 1 through May 30. This applies to all ground disturbance, including previously disturbed areas.
- Erosion control measures (i.e. silt fencing) will be implemented to minimize sedimentation to TECP plants and populations located down slope of proposed surface disturbance activities when working in all TECP plant species potential habitat:
 - Clay reed-mustard: April 1 through May 30.
 - Graham's beardtongue and White River beardtongue: May 15 through June 15.
- Dust abatement will be employed in potential TECP plant species habitat over the life of the project during the time of the year when the TECP plant species are most vulnerable to dust-related impacts (March through August).
- Only water (no chemicals, reclaimed production water or oil field brine) will be used for dust abatement measures within all cactus habitats.
- Application for Pesticide Use Permit will include provisions for mechanical removal, as opposed to chemical removal, for Utah Class A, B and C noxious weeds within 50 feet of individual/populations of TECP plant species.
- Discovery Stipulation: Initiation of Section 7 consultation with the USFWS will be sought immediately if any loss of plants or occupied habitat for TECP plant species is anticipated as a result of project activities.